

FIRST REGULAR SESSION

SENATE BILL NO. 340

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHMITT.

Read 1st time February 18, 2013, and ordered printed.

TERRY L. SPIELER, Secretary.

0711S.011

AN ACT

To repeal section 143.790, RSMo, and to enact in lieu thereof one new section relating to taxation.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 143.790, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 143.790, to read as follows:

143.790. 1. Any hospital or health care provider who has provided health
2 care services to an individual who was not covered by a health insurance policy
3 or was not eligible to receive benefits under the state's medical assistance
4 program of needy persons, Title XIX, P.L. 89-97, 1965 amendments to the federal
5 Social Security Act, 42 U.S.C. Section 301, et seq., under chapter 208 and the
6 health insurance for uninsured children under sections 208.631 to 208.657 at the
7 time such health care services were administered, and such person has failed to
8 pay for such services for a period greater than ninety days, may submit a claim
9 to the director of the department of health and senior services for the unpaid
10 health care services. The director of the department of health and senior services
11 shall review such claim. If the claim appears meritorious on its face, the claim
12 for the unpaid medical services shall constitute a debt of the department of health
13 and senior services for purposes of sections 143.782 to 143.788, and the director
14 may certify the debt to the department of revenue in order to set off the debtor's
15 income tax refund. Once the debt has been certified, the director of the
16 department of health and senior services shall submit the debt to the department
17 of revenue under the setoff procedure established under section 143.783.

18 2. At the time of certification, the director of the department of health and
19 senior services shall supply any information necessary to identify each debtor

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

20 whose refund is sought to be set off pursuant to section 143.784 and certify the
21 amount of the debt or debts owed by each such debtor.

22 3. If a debtor identified by the director of the department of health and
23 senior services is determined by the department of revenue to be entitled to a
24 refund, the department of revenue shall notify the department of health and
25 senior services that a refund has been set off on behalf of the department of
26 health and senior services for purposes of this section and shall certify the
27 amount of such setoff, which shall not exceed the amount of the claimed debt
28 certified. When the refund owed exceeds the claimed debt, the department shall
29 send the excess amount to the debtor within a reasonable time after such excess
30 is determined.

31 4. The department of revenue shall notify the debtor by certified mail the
32 taxpayer whose refund is sought to be set off that such setoff will be made. The
33 notice shall contain the provisions contained in subsection 3 of section [143.794]
34 **143.784**, including the opportunity for a hearing to contest the setoff provided
35 therein, and shall otherwise substantially comply with the provisions of
36 subsection 3 of section 143.784.

37 5. Once a debt has been set off and finally determined under the
38 applicable provisions of sections 143.782 to 143.788, and the department of health
39 and senior services has received the funds transferred from the department of
40 revenue, the department of health and senior services shall settle with each
41 hospital or health care provider for the amounts that the department of revenue
42 set off for such party. At the time of each settlement, each hospital or health care
43 provider shall be charged for administration expenses which shall not exceed
44 twenty percent of the collected amount.

45 6. Lottery prize payouts made under section 313.321 shall also be subject
46 to the setoff procedures established in this section and any rules and regulations
47 promulgated thereto.

48 7. The director of the department of revenue shall have priority to offset
49 any delinquent tax owed to the state of Missouri. Any remaining refund shall be
50 offset to pay a state agency debt or to meet a child support obligation that is
51 enforced by the division of family services on behalf of a person who is receiving
52 support enforcement services under section 454.425.

53 8. The director of the department of revenue and the director of the
54 department of health and senior services shall promulgate rules and regulations
55 necessary to administer the provisions of this section. Any rule or portion of a

56 rule, as that term is defined in section 536.010, that is created under the
57 authority delegated in this section shall become effective only if it complies with
58 and is subject to all of the provisions of chapter 536 and, if applicable, section
59 536.028. This section and chapter 536 are nonseverable and if any of the powers
60 vested with the general assembly pursuant to chapter 536 to review, to delay the
61 effective date, or to disapprove and annul a rule are subsequently held
62 unconstitutional, then the grant of rulemaking authority and any rule proposed
63 or adopted after August 28, 2007, shall be invalid and void.

Unofficial ✓

Bill

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